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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

TOMAS CASTANEDA,

Defendant.

No. CR 09-0079 MHP

**STIPULATION AND ~~[PROPOSED]~~  
ORDER REGARDING SENTENCE  
REDUCTION UNDER U.S.S.G. § 1B1.1(b)  
AND AMENDMENT 782**

**IT IS HEREBY STIPULATED AND AGREED**, by and between the parties acting through their respective counsel, that:

1. Defendant is making an unopposed motion for modification of his sentence pursuant to 18 U.S.C. § 3582(c)(2).
2. Defendant's original guideline calculation was as follows:  
Total Offense Level: 31  
Criminal History Category: I  
Guideline Range: 108 to 135 months  
Mandatory Minimum: 120 months

- 1 3. Defendant was sentenced to 92 months imprisonment on August 2, 2010.
- 2 4. According to the Bureau of Prisons, Defendant's current projected release date is January
- 3 24, 2016.
- 4 5. Effective November 1, 2014, this Court may order a modification in defendant's sentence
- 5 pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10(b)(1), and Amendment 782, to the
- 6 United States Sentencing Guidelines Manual.
- 7 6. Defendant's revised guideline calculation is as follows:
- 8 Total Offense Level: 29
- 9 Criminal History Category: I
- 10 Guideline Range: 87 to 108 months
- 11 Mandatory Minimum: 120 months
- 12 7. The parties have no reason to dispute the Sentence Reduction Investigation Report
- 13 submitted to the Court by the Probation Office.
- 14 8. Based upon the foregoing, the parties hereby stipulate that the Court may enter an order
- 15 reducing Defendant's term of custody to "87 months, but not less than the time of
- 16 imprisonment that the Defendant has served as of November 1, 2015."
- 17 9. The parties further stipulate that the Court may include in its amended judgment a
- 18 recommendation to the Bureau of Prisons that the Defendant be transferred to a halfway
- 19 house at the appropriate time before his release on November 1, 2015.
- 20 10. The parties further stipulate that all other aspects of the original judgment order including
- 21 the length of term of supervised release, all conditions of supervision, fines, restitution,
- 22 and special assessment remain as previously imposed.
- 23 11. The parties further stipulate that the Court's Order will take effect on November 1, 2015.
- 24 12. Defendant stipulates that he waives and does not request a hearing pursuant to Fed. R.
- 25 Crim. P. 43, 18 U.S.C. § 3582(c)(2), and *United States v. Booker*, 543 U.S. 220 (2005).
- 26 13. Defendant waives his right to appeal the district court's sentence.
- 27
- 28

14. Accordingly, the parties agree that an amended judgment in accordance with this stipulation may be entered by the Court in pursuant to 18 U.S.C. § 3582(c) and USSG § 1B1.10(b)(1), Amendment 782 of the Sentencing Guidelines Manual. A Sentencing Reduction Investigation Report and a proposed amended judgment will be submitted to the Court.

**IT IS SO STIPULATED.**

February 23, 2015

/s/

DATED

MELINDA L. HAAG  
United States Attorney  
J. DOUGLAS WILSON  
Assistant United States Attorney

February 23, 2015

/s/

DATED

STEVEN G. KALAR  
Federal Public Defender  
SHILPI AGARWAL  
Assistant Federal Public Defender

~~[PROPOSED]~~ ORDER

**IT IS SO ORDERED.**

2/23/15

DATED

